

Exhibit C

Exhibit C (1): Plaintiff's Petition

~~Cause No.~~
~~2021-82096 / Court: 129~~

Jason Robertson

§

IN THE DISTRICT COURT OF

-VS-

§

HARRIS COUNTY, TEXAS

§

§

Steven Castillo and

§

Just in Time Cargo, Inc.

§

____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION WITH REQUEST FOR DISCLOSURES**TO THE HONORABLE JUDGE OF SAID COURT:**

Jason Robertson files this Plaintiff's Original Petition with Request for Disclosures complaining of Defendants, Steven Castillo and Just in Time Cargo, Inc. and respectfully shows as follows:

I.**DISCOVERY PLAN LEVEL 2**

Plaintiff requests that this lawsuit be governed by Discovery Plan Level 2 pursuant to Rule 190.2 of the Texas Rules of Civil Procedure.

II.**CLAIMS FOR RELIEF**

Pursuant to Rule 47 C in the Texas Rules of Civil Procedure, this lawsuit is for monetary relief less than \$250,000.

III.**PARTIES**

Plaintiff is an individual and resident of Harris County, Texas.

Defendant Steven Castillo is an individual resident of San Diego County, California. He may be served with citation at his usual place of residence at 511 E. San Ysidro, #5521, San Ysidro, CA, 92173 or wherever he may be found.

Defendant Just in Time Cargo, Inc., is a corporation doing business in Harris County, Texas. This Defendant may be served with due process herein by serving its owner, Tache Gabriel Georgescu at 27884 Via Magdalena Laguna, Niguel, CA 92677 or wherever he may be located.

IV.

JURISDICTION OF VENUE

This court has jurisdiction over this case and the damages sought are within the jurisdictional limits of this court. Venue is proper in Harris County, Texas, because the accident made the basis of this lawsuit occurred in Harris County at the time the cause of action accrued. At the time of the accident Defendant Just in Time Cargo, Inc. was doing business in Harris County, Texas.

V.

FACTUAL BACKGROUND

This is a suit for negligence. On or about August 17, 2021, Plaintiff, Jason Robertson was driving a 2017 BMW 530I at a complete stop at a red light at Airtex and Woodsham in Harris County, Texas. Defendant Steven Castillo was driving a 2021 Freight Line (*owned by Just in Time Cargo, Inc.*) was also traveling at Airtex and Woodsham and made an unsafe right turn, causing the collision. As a result of the collision, Plaintiff sustained serious personal bodily injuries.

VI.

CAUSES OF ACTION

Defendant Steven Castillo had common-law and statutory duties to use ordinary care in the operation of Just in Time Cargo, Inc.'s vehicle. Mr. Castillo negligently breached those duties and that negligence proximately caused Plaintiff's injuries and damages. Specifically, Defendant Steven Castillo was negligent in the following particulars:

1. Failing to pay full time attention.
2. Disregarded the safety of others.
3. Made a right turn when it was unsafe.
4. Driver inattention.
3. Failing to timely apply the brakes to avoid collision with Plaintiff.
4. In any combination of two or more of the above.

Plaintiff would further show that at all times material hereto, Defendant, Steven Castillo was operating a vehicle owned by Defendant, Just in Time Cargo, Inc. while Defendant, Steven Castillo was within the course and scope of his employment and/or agency with Defendant, Just in Time Cargo, Inc. As a result of Defendant, Steven Castillo's negligence in proximately causing the collision made the basis of this lawsuit, Defendant, Just in Time Cargo, Inc. is vicariously liable for Plaintiff's damages.

VII.
DAMAGES

Because of his bodily injuries proximately caused by Defendants' negligence, Plaintiff is entitled to reasonable and proper compensation for the following legal damages:

- a. past and future medical expenses;
- b. past and future physical pain; and
- c. past and future pain and suffering;

VIII.
REQUEST FOR DISCLOSURES

Pursuant to Texas Code of Civ. Pro. 194, Defendants are hereby requested to disclose the information and material described in Rule 194.2 **within fifty (50) days** of the service of this request.

IX.
PRAYER

Plaintiff prays that the Defendants, jointly and severally, be cited to appear and answer the allegations set forth in this petition, and that upon final hearing, Plaintiff be awarded a judgment against Defendants for the damages prayed for herein; costs of the court; pre-judgment and post-judgment interest on the total amount of judgment awarded at the highest legal rate provided for by law; and such other and further relief, general or special, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

DeSimone Law Office

By: /s/ Donald G. DeSimone

Donald G. DeSimone

SBN: 05776710

4635 Southwest Freeway

Suite 850

Houston, Texas 77027

Email: ddesimone@desimonelawoffice.com

Phone#(713) 526-0900

Fax# (713) 526-8041

Attorney for Plaintiff

**Exhibit C (2): Request for
Issuance of Service to Defendant
Just In Time Cargo, Inc.**

~~Marilyn Burgess - Harris County District Clerk~~

Request for Issuance of Service

CASE NUMBER: _____

CURRENT COURT: _____

Name(s) of Documents to be served: PLAINTIFF'S ORIGINAL PETITION WITH REQUEST FOR DISCLOSURESFILE DATE: 12/17/2021

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Just in Time Cargo, Inc.Address of Service: 27884 Via Magdalena LagunaCity, State & Zip: Niguel, CA 92677 or wherever he may be locatedAgent (if applicable): Tache Gabriel Georgescu

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- | | | | |
|--|--|--|---|
| <input checked="" type="checkbox"/> Citation | <input type="checkbox"/> Citation by Posting | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias | <input type="checkbox"/> Newspaper _____ | | |
| <input type="checkbox"/> Temporary Restraining Order | <input type="checkbox"/> Precept | <input type="checkbox"/> Notice | |
| <input type="checkbox"/> Protective Order | | | |
| <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not an E-Issuance) | <input type="checkbox"/> Attachment | |
| <input type="checkbox"/> Certiorari | <input type="checkbox"/> Highway Commission (\$12.00) | | |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00) | <input type="checkbox"/> Hague Convention (\$16.00) | <input type="checkbox"/> Garnishment | |
| <input type="checkbox"/> Other (Please Describe) | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> _____ | | | |
| <input type="checkbox"/> | | | |

(See additional Forms for Post Judgment Service)

SERVICE BY (check one):

☐ ATTORNEY PICK-UP (phone) _____ ☐ CONSTABLE☐ MAIL to attorney at: _____☐ CERTIFIED MAIL by District Clerk ☒ E-Issuance by District Clerk (No Service Copy Fees Charged)(Note:) CAPIAS is not an E-Issuance Option☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____☐ OTHER , explain _____Issuance of Service Requested By: Attorney/Party Name: Donald G. DeSimone Bar # or ID: 05776710Mailing Address: 4635 Southwest Freeway, Suite 850, Houston, Texas 77027Phone Number: (713) 526-0900 ext 2225

Exhibit C (3): Request for Issuance of Service to Defendant Steven Castillo

~~Marilyn Burgess - Harris County District Clerk~~
2021-82096 / Court: 129

Request for Issuance of Service

CASE NUMBER: _____

CURRENT COURT: _____

Name(s) of Documents to be served: PLAINTIFF'S ORIGINAL PETITION WITH REQUEST FOR DISCLOSURESFILE DATE: 12/17/2021

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Steven CastilloAddress of Service: 511 E. San Ysidro, #5521City, State & Zip: San Ysidro, CA 92173

Agent (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- | | | | |
|--|--|--|---|
| <input checked="" type="checkbox"/> Citation | <input type="checkbox"/> Citation by Posting | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias | Newspaper _____ | | |
| <input type="checkbox"/> Temporary Restraining Order | <input type="checkbox"/> Precept | <input type="checkbox"/> Notice | |
| <input type="checkbox"/> Protective Order | | | |
| <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not an E-Issuance) | <input type="checkbox"/> Attachment | |
| <input type="checkbox"/> Certiorari | <input type="checkbox"/> Highway Commission (\$12.00) | | |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00) | <input type="checkbox"/> Hague Convention (\$16.00) | <input type="checkbox"/> Garnishment | |
| <input type="checkbox"/> Other (Please Describe) | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | _____ | | |
| <input type="checkbox"/> | _____ | | |

(See additional Forms for Post Judgment Service)

SERVICE BY (check one):

☐ ATTORNEY PICK-UP (phone) _____ ☐ CONSTABLE☐ MAIL to attorney at: _____☐ CERTIFIED MAIL by District Clerk ☒ E-Issuance by District Clerk (No Service Copy Fees Charged)(Note:) CAPIAS is not an E-Issuance Option☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____☐ OTHER , explain _____Issuance of Service Requested By: Attorney/Party Name: Donald G. DeSimone Bar # or ID: 05776710Mailing Address: 4635 Southwest Freeway, Suite 850, Houston, Texas 77027Phone Number: (713) 526-0900 ext 2225

Exhibit C (4): Citation Return
re: Defendant Just in Time
Cargo, Inc.

COPY OF PLEADING PROVIDED BY PLT

RECEIPT No. 909446 TR# 73954539

EML

Plaintiff:
ROBERTSON, JASON
vs.
Defendant:
CASTILLO, STEVEN

In The 129th
Judicial District Court of
Harris County, Texas
201 CAROLINE
Houston, Texas

CITATION (NON-RESIDENT CORPORATE)

THE STATE OF TEXAS
County of Harris

To: JUST IN TIME CARGO INC (A CORPORATION) MAY BE SERVED BY SERVING ITS OWNER
TACHE GABRIEL GEORGESCU
27884 VIA MAGDALENA LAGUNA, NIGUEL CA 92677
OR WHEREVER HE MAY BE LOCATED

Attached is a copy of: PLAINTIFF'S ORIGINAL PETITION WITH REQUEST FOR DISCLOSURES

This instrument was filed on December 17, 2021 in the above cited cause number and court.
The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your Attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 20 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

TO OFFICER SERVING:

This citation was issued on December 22, 2021, under my hand and seal of said court.

Issued at the request of:

DeSimone, Donald G.
4635 SOUTHWEST FREEWAY, SUITE 850
HOUSTON, TX 77027
713-526-0900
Bar Number: 05776710



Marilyn Burgess

Marilyn Burgess, District Clerk
Harris County, Texas
201 CAROLINE, Houston, TX 77002
(PO Box 4651, Houston, TX
77210)

Generated By: CECILIA THAYER

Tracking Number: 73954539
EML

CAUSE NUMBER: 202182096

PLAINTIFF: ROBERTSON, JASON
vs.
DEFENDANT: CASTILLO, STEVEN

In the 129th
Judicial District Court of
Harris County, Texas

OFFICER - AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock _____. M. On the _____ day of _____,
20____. Executed at

Affidavit of Service Attached

(Address) _____
_____ in

_____ County at _____ o'clock _____. M. On the _____ day of
_____, 20____, by

Delivering to _____ defendant, in person, a true
copy of this Citation together with the accompanying _____ copy(ies) of the Petition.
Petition attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of
_____, 20_____.

Fees \$ _____

By _____
Affiant

Affidavit of Service Attached

Deputy

On this day, _____, known to me to be the
person whose signature appears on the foregoing return, personally appeared. After being by
me duly sworn, he/she stated that this citation was executed by him/her in the exact manner
recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this _____ day of _____,
20____

Notary Public

CAUSE NO. 202182096

ROBERTSON, JASON

§
§
§
§
§
§

IN THE 129TH

Plaintiff,

VS.

JUDICIAL DISTRICT COURT

CASTILLO, STEVEN

Defendant.

OF HARRIS COUNTY, TEXAS

AFFIDAVIT OF SERVICE

On this day personally appeared **Freddy Avila, Jr.** who, being by me duly sworn, deposed and said:

"The following came to hand on Dec 17, 2021, 12:40 pm,

CITATION, PLAINTIFF'S ORIGINAL PETITION WITH REQUEST FOR DISCLOSURES,

and was executed at 27884 Via Magdalena, Laguna Niguel, CA 92677 within the county of Orange at 07:25 PM on Wed, Dec 22 2021, by delivering a true copy to the within named

JUST IN TIME CARGO, INC. BY DELIVERING TO ITS OWNER, TACHE GABRIEL GEORGESCU

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of California. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."



Freddy Avila, Jr.

BEFORE ME, a Notary Public, on this day personally appeared **Freddy Avila, Jr.**, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are within his or her personal knowledge and are true and correct.

SUBSCRIBED AND SWORN TO ME ON December 23, 2021

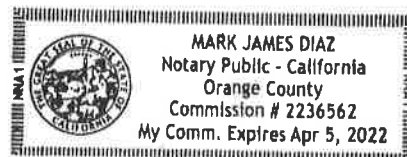

Notary Public, State of California

Exhibit C (5): Civil Cover Sheet

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jason Roberston

(b) County of Residence of First Listed Plaintiff Harris County, Texas
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Donald G. DeSimone, 4635 Southeast Freeway, Suite
850, Houston, Texas 77027, 713-526-0900.

DEFENDANTS

Just in Time Cargo, Inc. and Steven Castillo

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Gregory Holloway, Taylor, Book, Allen & Morris, LLP., 1221
McKinney, 4300, Houston, Texas 77010, 713- 222-9542

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1332

Brief description of cause:
alleged personal injuries arising from an alleged auto accident.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
over \$250,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

1/6/2022

SIGNATURE OF ATTORNEY OF RECORD

/s/Gregory Holloway

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____